



FILED

01 APR -9 PM 4:53

LANCE S. WILSON
CLERK
BY DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALBERT KENNESON,

Plaintiff,

v.

GARY RICHTER, et al,

Defendants.

CV-N-01—13-DWH(RAM)

ORDER

Before the court is plaintiff's Motion to Remand Federal Action to State Court pursuant to 28 U.S.C. §1447(c)(#8). Defendants have opposed the plaintiff's motion (#9), to which the plaintiff has replied (#15). The plaintiff states in his motion that he is not seeking any relief under any federal statutes in this action, and thus it should be remanded back to state court because this court lacks subject matter jurisdiction. The defendants stated in their opposition that they do not oppose remand to state court if the plaintiff does not assert any federal claims of relief. Since the plaintiff is not asserting any federal claims this action should be remanded to state court.

Accordingly, **IT IS ORDERED** that plaintiff's Motion to Remand Federal Action to State Court pursuant to 28 U.S.C. §1447(c)(#8) is GRANTED.

IT IS FURTHER ORDERED that the plaintiff's complaint is **REMANDED** to the Second Judicial District Court of the State of Nevada in and for the County of Washoe for determination.

1 Each party shall bear its own costs and attorney's fees incurred as a result of the removal. The clerk
2 shall mail a certified copy of this order of remand to the clerk of the State court and shall
3 administratively close file no. CV-N-01-0013-DWH(RAM).

4 DATED: This 9th day of April, 2001.

5
6 
UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28